IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

Crl.MC.No. 2422 of 2007()

CC.715/2003 of JUDL. MAGISTRATE OF FIRST CLASS COURT, IRINJALAKUDA

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PETITIONER: ACCUSED NO.1 &2:

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1. VIJAYAN, S/O.KARAPPAN,
   POOVATHIKKARA HOUSE, PANJAPPILLY DESOM,
   KALLETTINKARA VILLAGE, THRISSUR DISTRICT.

2. SOMAN, S/O.GOVINDAN NAIR,
   KANAYATH HOUSE, ALATHUR DESOM, NELLAI VILLAGE,
   MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: RESPONDENT:

THE STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2422 of 2007

Dated this the 31st day of July, 2007

O R D E R

The petitioners are accused 1 and 2 in this crime and they face indictment for the offences punishable under Section 33(2) and 61 of the Kerala Abkari Act. The alleged incident took place on 15.04.99. Final report has been filed. Cognizance has been taken. The matter has been pending from 2003 before the Judicial Magistrate of the First Class, Irinjalakuda.

2. The petitioners have now come before this Court with a prayer that powers under Section 482 Cr.P.C may be invoked to quash the proceedings against the petitioners.

3. What is the reason for the petitioners choosing to come to this Court in 2007 to quash the proceedings which was initiated as early as in 2003 in respect of an offence allegedly committed in 1999 ? No satisfactory reasons are forthcoming at all. The petitioner wants this Court to invoke the extraordinary inherent jurisdiction under Section 482 Cr.P.C. No satisfactory explanations are offered to this Court by the petitioners for making such a belated prayer to quash the proceedings. I am satisfied that this is certainly not a fit case where the powers under Section 482 Cr.P.C can or ought to be invoked. The

petitioners obviously are attempting to avoid the obligation to get ready for trial and play fortune.

4. This Crl.M.C is, in these circumstances, dismissed. The learned counsel for the petitioners now submits that warrants of arrest have been issued against the petitioners. Needless to say that if the petitioners appear and apply for bail after giving sufficient prior notice to the prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-